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October 6, 2021

Hon. Joseph F. Bianco, Visiting Circuit Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ OCT 07 2021 ★

LONG ISLAND OFFICE

**Re: Moroughan v. The County of Suffolk, et al.
12-cv-0512 (JFB) (AKT)**

Dear Judge Bianco:

My office represents the County of Nassau and P.O. Edward Bienz in the above-referenced matter. I am writing, jointly with counsel for Plaintiff and the Suffolk County Defendants on consent of all parties to request an extension of time to submit the Joint Pretrial Order in this matter.

Pursuant to Your Honor's Order dated July 28, 2021, the deadline to file the Joint Pretrial Order had been extended to October 11, 2021. We write on behalf of all parties to request that the deadline to file the Joint Pre-Trial Order be extended to December 10, 2021.

All parties recognize that this request seeks an additional extension. However, due to ongoing extensive and at times overwhelming scheduling conflicts, the parties have not yet completed preparation of the comprehensive Joint Pre-Trial Order, which involves herculean efforts on behalf of all parties to properly identify the more than 500 potential trial exhibits which must be examined, considered, discussed, and addressed, as well as more than 40 party, non-party and expert depositions were taken in this matter, which must be paginated, designated, cross designated and/or objected to and thus incorporated within the order as well, among many other similar issues. Work on this is ongoing.

As previously reported, I have been unable to devote sufficient attention to the preparation of the Joint Pretrial Order as my partners and I are lead counsel for the Archdiocese of New York and have been deeply enmeshed in its defense with respect to rapidly developing Child Victims Act litigation across the 10 counties which are incorporated within the geographical confines of the Archdiocese. The 2-year look back window provided for by the statute which went into effect in August 2019 closed on August 13, 2021, with a wave of hundreds of claims filed within a handful of days. The deadlines provided for within the various Case Management Orders in place within the City of New York as well as several expedited

appellate issues continue to be all consuming. To further complicate matters I have lost time due to a medical emergency personal to a close family member.

Since Plaintiff provided his first draft of the Joint Pretrial Order on June 29, 2021, which contained a list of more than 300 proposed trial exhibits, the parties have yet to complete the order. In the parties' prior request for an extension to complete the Joint Pretrial Order [see DE 308] due to the volume of the deposition transcripts, a joint request was made that rather than designate and/or cross designate deposition as required by your Honor's rules, the parties sought permission to designate the entire transcript of a particular witness in the Joint Pretrial Order, and thereafter, should that witness become unavailable, to submit formal designations prior to the commencement of trial. As to those witnesses which the parties presently know are unavailable, those designations would be included in the Joint Pretrial Order. The parties are uncertain if this procedure comports to Your Honor's rules. To the extent it may not, the parties seek permission to proceed in this fashion so as to not unnecessarily waste time and resources.

In the interim, efforts to mediate a resolution of this matter is ongoing. Unfortunately, a settlement conference before Magistrate Judge Tomlinson previously scheduled to go forward on October 7, 2021, is in the process of being rescheduled and the parties are working out dates to propose to her Honor for that purpose in the hopes that a global resolution can be reached. The additional time afforded by extending the deadline to file the Joint Pre-Trial Order will help reduce litigation costs for all parties and will help engender productive discussions.

Accordingly, the parties are jointly requesting that the deadline to submit the Joint Pretrial Order in this case be extended until December 10, 2021.

Respectfully submitted,

LEAHEY & JOHNSON, P.C.

Christopher Delamere Clarke

Christopher Delamere Clarke [CDC 6160]

On Consent of All Parties
Via ECF

Request granted.

1 ~~SO~~ ORDERED

/s/Joseph F. Bianco

J Joseph F. Bianco, USCJ

Sitting by Designation.

Date: Oct. 17 2021

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Central Islip, N.Y.